



Pokégnek Bodéwadmik • Pokagon Band of Potawatomi  
Tribal Council

P.O. Box 180 • 58620 Sink Road • Dowagiac, MI 49047 • www.PokagonBand-nsn.gov  
(269) 782-6323 • (888) 376-9988 toll free • (269) 782-9625 fax

May 18, 2015

Cindy Bladey  
Office of Administration  
U.S. Nuclear Regulatory Commission  
Mail Stop 3WFN-06-A44M  
Washington, DC 20555-0001

12/01/2014

79FR 71134

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RULES AND DIRECTIVES  
BRANCH  
103000

RE: Revision 1 of the Tribal Protocol Manual: Guidance for NRC Staff  
Docket ID NRC-2012-0235

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Dear Ms. Bladey:

I am writing on behalf of the Pokagon Band of Potawatomi Indians (“Band”) to provide comments on the Nuclear Regulatory Commission’s (“NRC”) Revision 1 of the *Tribal Protocol Manual: Guidance for NRC Staff* (“Manual”). Subject to the concerns raised in this letter, the Band generally supports the efforts of the NRC to enhance the NRC’s consultation with Indian Tribes.

1. In Section 1.B (Executive Orders and Memoranda) of the Manual, the NRC, in deciding when to establish regular and meaningful consultation and collaboration with Tribal Officials, adopts the definition of “Policies that have Tribal implications” as set forth in Executive Order 13175, which includes “regulations, legislative comments or proposed legislation and other policy statements or actions that have **substantial direct effects** on one or Indian Tribes...” (Emphasis added).

COMMENT: Given the subject matter over which the NRC has authority, the Band recommends that the NRC take a broader approach to Tribal consultation and not limit such to only those actions that have “substantial direct effects” on one or more Indian Tribes. Instead, the Band recommends that the Manual be revised throughout to provide that the NRC engage in Tribal consultation when “regulations, legislative comments or proposed legislation and other policy statements or actions of any nature have the potential for direct effects on one or more or Indian Tribes...”

2. In Section 3.E (Native American Reservations and Trust Land within a 50-Mile Radius of a Nuclear Power Plant), the Manual identifies those reservations and trust land within a 50-Mile Radius of a Nuclear Power Plant.

SUNSI Review Complete  
Template = ADM – 013  
E-RIDS= ADM-03

Add= M. Ryan (mir4)  
H. YILMA (hxx1)

S. EASSON (Sbe)

P. McGrady-Finneran (Pxm1)

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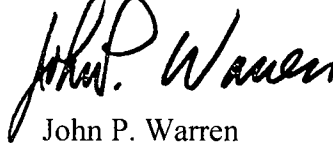
COMMENT: The Band has trust land in different locations of Southwest Michigan and within a 50-Mile Radius of a Nuclear Power Plant and is not identified in Section 3.E of the Manual. Please include the Band as one of the Indian Tribes that has trust land within a 50-Mile Radius of a Nuclear Power Plant. Additionally, the Band recommends that the NRC consult with the Bureau of Indian Affairs to ensure that Section 3.E includes all Indian tribes that have reservations or trust land within a 50-Mile radius of a Nuclear Power Plant.

3. In Section 1.C (Historic Overview of the Federal and Tribal Relationship) of the Manual, regarding a discussion of the Indian Reorganization Act of 1934 ("IRA"), the Manual references the establishment of certain rights of Indian Tribes, including home rule.

COMMENT: The reference to the IRA granting Indian Tribes certain rights of home rule is a misstatement and should be revised. The IRA did not grant Indian Tribes such rights instead, it recognized that Indian Tribes, a sovereign nations, possess such rights by virtue of their inherent sovereign authority.

Thank you in advance for consideration of the Band's comments.

Sincerely,

A handwritten signature in black ink that reads "John P. Warren". The signature is written in a cursive style with a large initial "J" and "W".

John P. Warren  
Tribal Council Chairman